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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,577	01/25/2002	Toshihiro Morita	275734US6PCT	4188
22850 7590 02/04/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER POND, ROBERT M	
			ART UNIT 3625	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Inventor:	TOSHIHIRO MORITA, et al.	:	PETITION FOR
		:	CONSIDERATION
Application No.	09/913,577	:	OF IDS FILED
Attorney Docket No.:	275734US6PCT	:	AUGUST 15, 2001
Filed:	January 25, 2002	:	UNDER
For:	METHOD AND APPARATUS FOR	:	37 C.F.R. 1.181
	INFORMATION PROCESSING, AND	:	
	MEDIUM FOR STORING PROGRAM	:	
		:	

This is in response to Applicant's petition filed on December 14, 2007 to have the Examiner consider references "AK"- "AN" and "AS"- "AT" filed with the IDS of August 15, 2001.

The petition is **GRANTED**.

In citing MPEP 609.04(a)(III), Petitioner implies that the Examiner refused consideration of these references for failure to satisfy 37 CFR 1.98(a)(3)(i). Inasmuch as the Examiner has not provided a specific reason that such references were not considered, this decision will address compliance with both 37 CFR 1.97 and 1.98.

37 CFR 1.97(a) states:

"In order for an applicant for a patent or for a reissue of a patent to have an information disclosure statement in compliance with § 1.98 considered by the Office during the pendency of the application, the information disclosure statement must satisfy one of paragraphs (b), (c), or (d) of this section."

37 CFR 1.97(b) states:

"An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

- (1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
 - (2) Within three months of the date of entry of the national stage as set forth in 1.491 in an international application;
 - (3) Before the mailing of a first Office action on the merits;
- or
- (4) Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114."

A review of the file reveals that the IDS was filed August 15, 2001. A first Office action on the merits was not mailed until October 18, 2005. Accordingly, the IDS is in compliance with at least 37 CFR 1.97(b)(3).

37 CFR 1.98(3)(i) requires:

"A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from applicant's specification or incorporated therein."

MPEP 609.04(a)(III) states:

"Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report."

A review of the file reveals that the IDS filed August 15, 2001 included an English-language version of International Search Report (ISR) for International application No. PCT/JP00/08914 (the International application from which this National Stage application takes priority). Such ISR listed all of the references identified as "AK"- "AN" and "AS"- "AT" in the IDS filed August 15, 2001 and included at least an "X", "Y", or "A" indication associated with each. The IDS further included legible copies of each of these references and a statement that "[The enclosed copies of the cited publications were] cited in the International Search Report of International Application No.

PCT/JP00/08914". Accordingly, the IDS is also in compliance with at least 37 CFR 1.98(a)(3)(i).

It is also noted upon a thorough review of the file that the IDS filed August 15, 2001 additionally fully complies with all of the requirements regarding the content of the Information Disclosure Statement under 37 CFR 1.98.

Summary:

The IDS filed August 15, 2001 satisfied the requirements of both 37 CFR 1.97 and 1.98.

The petition is **GRANTED**.

The file has been forwarded to the Examiner for consideration of references "AK"- "AN" and "AS"- "AT" filed with the IDS of August 15, 2001 and for any further action consistent with this decision.

Any questions dealing with this decision should be directed to Jeffrey A. Smith at (571) 272-6763.



Wynn Coggins, Director
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WC/jas:12/16/07

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